APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,000	12/21/2004	Carl Christensen	PU020292	6971

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EXAMINER
COLUCCI, MICHAEL C

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
10/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>14 September 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☒ Other: <u>See Continuation Sheet.</u>

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626

/Michael C Colucci/
Examiner, Art Unit 2626

Re, references not teaching "a first measurement of said estimated bit time" and "estimating minimum and maximum bit window times" (Remarks pages 8, 10, and 12), Examiner maintains the use of Adams while giving claims their broadest reasonable interpretation in light of the supporting disclosure without importing limitations from the specification into the claims unnecessarily, wherein Adams Abstract immediately teaches a method of decoding an input signal which includes a measurement circuit having an input to receive a timing clock signal that is asynchronous with clocking of the input signal, to measure duration of a plurality of pulses received on the input signal in relation to frequency of the timing clock signal and a decode circuit to decode the input signal into digital data. The invention permits use of all digital components for decoding digital audio data encoding using biphase-mark encoded data according to the SPDIF or AES/EBU standards (Adams Abstract).

Consider that Adams teaches AES/EBU standards in direct relation to the scope of the present invention. Additionally, consider that Adams teaches the extraction of information from a signal (Adams Fig. 2, sub-frames, frames, etc.) in the same manner that the present invention teaches (present invention drawing Fig. 7). Notice the similarities between 352, 368, 362, 366, and 377 of the present invention compared to Adams X, Y, Z, Y, X, Y.

Maximum and minimum bit times are also taught while giving claims their broadest reasonable interpretation in light of the supporting disclosure without importing limitations from the specification into the claims unnecessarily, wherein Adams teaches maximum and minimum bit times/length (page 6 lines 20-27) and (page 8 lines 8-21 & fig. 11) while giving claims their broadest reasonable interpretation in light of the supporting disclosure without importing limitations from the specification into the claims unnecessarily.

Please consider the identical and well known approach to bit time measurement/estimation taught by both Adams as well as the present invention. The present invention teaches (present invention Table 1) in an identical manner as Adams and cites " minimum and maximum values are selected for a bit time window as follows: Bit window (rain) = 1.5(short); and Bit window (max) = long - 0.5(short). It should be noted that this process will identify a bit time window even if the received serialized digital audio data stream contains only zeros. More specifically, and as will be more fully described in Table I". Likewise, Adams teaches long/max and short/min values extracted in an identical scaled fashion (e.g. .5, 1, and 1.5) (page 8 lines 8-21 & fig. 11). The form of measurement, or estimation if you will, is taught by Adams with respect to times indented in a signal.

However, bit time estimation as taught by the present invention "is estimated by averaging a plurality of data stream pulse length". Examiner explicitly and previously cited Fletcher to teach this form of estimation (Fletcher Col. 3 lines 7-20) in order to relieve any uncertainties of bit estimation/measurement taught by Adams while giving claims their broadest reasonable interpretation in light of the supporting disclosure without importing limitations from the specification into the claims unnecessarily.